

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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| CHAD WILLIAM REED, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-16-461-C |
| |) | |
| JASON BRYANT, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on February 6, 2017, to which Plaintiff has objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Plaintiff merely restates the conclusions and legal argument originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and Defendants' Motion to Dismiss is granted.

Plaintiff filed his Complaint on May 4, 2016, and did not seek discovery until now, after Defendants filed a Motion to Dismiss and the Magistrate Judge entered a Report and Recommendation. Judge Purcell informed Plaintiff of the possibility of summary judgment conversion and Rule 56 in October 2016. (Dkt. No. 29.) The proper time for

discovery requests has passed. Accordingly, the pending discovery motions will be stricken as moot.

Additionally, Plaintiff requests leave to amend the Complaint. The proposed amended complaint fails to cure the deficient claims based upon federal law as identified in the Report and Recommendation. The proposed amended complaint does add two state law claims, but the Court declines to exercise supplemental jurisdiction over the proposed state law claims pursuant to 28 U.S.C. § 1367. Therefore, Plaintiffs' Motion for Leave to Amend the Complaint (Dkt. No. 41) is denied.

CONCLUSION

For the reasons stated, the Report and Recommendation (Dkt. No. 36) of the Magistrate Judge is ADOPTED and Defendants' Motion to Dismiss (Dkt. No. 28) is GRANTED. Plaintiff's Motion for a Rule 56(f)(2) Continuance (Dkt. No. 39), Plaintiff's Motion to Compel Discovery Requests (Dkt. No. 40), and Defendants' Motion to Strike (Dkt. No. 43) are stricken as MOOT. Plaintiff's Motion for Leave to Amend the Complaint (Dkt. No. 41) is DENIED.

IT IS SO ORDERED this 28th day of March, 2017.


ROBIN J. CAUTHRON
United States District Judge